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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 ALLEN DONNELL STANLEY,

Case No. 3:19-cv-00250-LRH-CBC

10 Petitioner,

ORDER

11 v.

12 DAVID J. EBBERT, et al.,

13 Respondents.

14 Allen Donnell Stanley has submitted a habeas corpus petition on the court's 28  
15 U.S.C. § 2241 habeas corpus petition form (ECF Nos. 1-1, 1-2). The court screens the  
16 petition pursuant to Rule 4 of the Rules Governing Habeas Corpus Cases Under  
17 Section 2254.<sup>1</sup> Stanley has not submitted an application to proceed *in forma pauperis*  
18 or paid the filing fee (see ECF No. 1). Accordingly, this matter has not been properly  
19 commenced. 28 U.S.C. § 1915(a)(2), LSRs 1-1, 1-2, 3-1, 4-1.

20 The court also notes that Stanley is in federal custody at the United States  
21 Penitentiary in Lewisburg, Pennsylvania. But a § 2241 habeas petitioner seeking to  
22 challenge his present physical custody within the United States must file the petition in  
23 the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). Further,  
24 Stanley alleges that the institution is not giving him the meal he is supposed to receive;  
25 however, a claim regarding whether a prisoner's conditions of confinement violate his  
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<sup>1</sup> Although filed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, the Rules Governing Section 2254 Cases are appropriately applied to proceedings undertaken pursuant to § 2241.

1 civil rights is not a federal habeas claim, but a claim pursuant to 42 U.S.C. § 1983. In  
2 any event, this action shall be dismissed as improperly commenced.

3 **IT IS THEREFORE ORDERED** that the Clerk **shall detach and file** the petition  
4 (ECF No. 1-1).

5 **IT IS FURTHER ORDERED** that the petition is **DISMISSED**.

6 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

7 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and  
8 close this case.

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10 DATED this 8th day of July, 2019.

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13 LARRY R. HICKS  
14 UNITED STATES DISTRICT JUDGE  
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